This is in direct contradiction to well recognized principles of evidence, and can only be explained in light of the modern tendency to admit all evidence more freely. *Wharton on Hom.*, Sec. 766; *Greenlf. on Ev.*, Sec. 161. In the early English case of *Rex. v. Reason*, 1 Strange 499, it was held that even prior and subsequent declarations, made the same day as the written one, were inadmissible.

FALSE IMPRISONMENT—ARREST BY ORDER OF STATE COURT AFTER DISCHARGE IN BANKRUPTCY—RELEASE ON HABEAS CORPUS AS EVIDENCE OF UNLAWFUL ARREST.—BENNETT V. LEWIS ET AL., 66 S. W. 525 (Ky.).—Plaintiff to avoid arrest by defendant secured from referee in bankruptcy an order of immunity from arrest on all his debts. He was thereafter maliciously arrested and imprisoned on a judgment of State court rendered prior to his discharge in bankruptcy. *Held*, arrest not unlawful. Divided court.

As a discharge in bankruptcy does not release from all debts, plaintiff should have pleaded his discharge from the debt in question. The fact that his arrest was decided to be illegal by U. S. District Court on habeas corpus shows only that he was discharged from custody, and State court might proceed with its process until the bankruptcy proceeding was properly pleaded.

The dissenting judges strongly contend that such arrest was in defiance of the Federal court; that it was unnecessary to enumerate the debts from which he had been discharged as defendant knew he had been released from debt in question. To uphold such an arrest is to disregard judgments of U. S. courts in matters within their undoubted jurisdiction.

INSOLVENCY—EFFECT OF GENERAL ASSIGNMENT.—IN RE HAYES, 75 N. Y. Supp. 312.—A general assignment by a member of the New York Stock Exchange does not affect the contractual rights which members of the exchange have in the membership, so that dividends paid them as creditors out of the sale of the insolvent member's membership are not to be deducted in determining the amount for which they are entitled to dividends out of the assigned estate.

The late case of *Merrill v. Bank*, 173 U. S. 131, in which three justices very emphatically dissented, has left this point of law in an unsatisfactory state. In this case the court, following *Merrill v. Bank, supra*, concludes that the claim of the creditor to share in the assets of the debtor and his debt against the debtor, are distinct and separate rights. The court has ably attempted to reconcile the authorities, and the case should be of value in future controversies.

JOINT CAUSES OF ACTION—CONSTRUCTION OF WILL.—HUGHES ET AL. V. HUGHES ET AL., 63 N. E. 250 (Ind.).—*Held*, that an executrix could not join in her fiduciary and individual capacity for the purpose of demanding the construction of a will. Wiley, J., dissenting.

The tendency of the law being to discourage multiplicity of suits, such joinder has generally been upheld. Thus, it was allowed for the purpose of collecting rent in *Armstrong v. Hall*, 17 How. Prac. 76, and where an executor was made defendant in an action for debt, *Day v. Stone*, 15 Abb. Prac. (N. S.) 137. The prevailing opinion is based on the rule that it is not enough that there be a common interest in the cause of action, but that there must be a common interest in the relief sought. *Martin v. Davis*, 82 Ind. 41.